

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEUTSCHE BANK AG,	: 04 Civ. 7192 (SHS)
	: ECF Case
Plaintiff,	:
v.	: AFFIDAVIT OF FRANK H. WOHL IN
	: SUPPORT OF DEFENDANT
JPMORGAN CHASE BANK (f/k/a THE	: JPMORGAN CHASE BANK'S
CHASE MANHATTAN BANK),	: APPLICATION TO SUPPLEMENT
	: THE RECORD, IN FURTHER
Defendant.	: SUPPORT OF ITS MOTION FOR
-----x	: SUMMARY JUDGMENT AND IN
	: OPPOSITION TO PLAINTIFF
	: DEUTSCHE BANK'S SUMMARY
	: JUDGMENT MOTION

State of New York)
 : ss
County of New York)

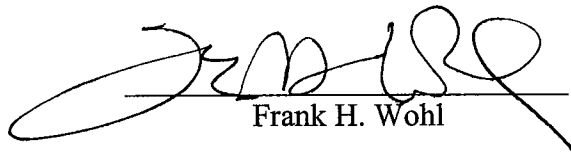
FRANK H. WOHL, being duly sworn, deposes and says:

1. I am a member of Lankler Siffert & Wohl LLP, counsel for defendant-counterclaim-plaintiff JPMorgan Chase Bank ("JPMorgan Chase") in the above-captioned action. I make this affidavit in support of JPMorgan Chase's application, pursuant to Rule 56(e) of the Federal Rules of Civil Procedure, for the Court's permission to submit this further affidavit and the annexed Exhibit A in further support of JPMorgan Chase's pending motion for summary judgment and in opposition to Deutsche Bank AG's pending motion for summary judgment. I make this affidavit on information and belief. The sources of my information and bases for my belief consist of information provided to me by other attorneys in my office who are familiar with the record in this action.

2. Annexed hereto as Exhibit A is a true and correct copy of pages 1-17 of the transcript of the proceedings on January 23, 2003 in the United States Bankruptcy Court for the Southern District of New York, concerning the Bankruptcy Court's order on the debtors' emergency motion in In re Genuity, Inc., et al., 02-43558 (PCB). That order is the subject of the parties' res judicata arguments on the pending motions. Accordingly, the annexed exhibit is relevant to the Court's determination of the pending motions.

3. The January 23, 2003 transcript, annexed Exhibit A, was inadvertently omitted from my Reply Affidavit, sworn to August 16, 2006, in support of JPMorgan Chase's motion for summary judgment and in opposition to Deutsche Bank's motion for summary judgment.

WHEREFORE, JPMorgan Chase respectfully requests that the Court permit this supplemental affidavit and the annexed Exhibit A to be filed in connection with the summary judgment motions pending in this action.


Frank H. Wohl

Sworn to before me this
26th day of February, 2007


Notary Public

Notary Public, State of New York
Qualified in New York County
Commission Expires June 15, 2007

ADELE D. CALMEL
Notary Public, State Of New York
No. 01CA5011796
Qualified In New York County
Commission Expires June 15, 2007